

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application. No:	10/759,918	§	Examiner:	Steelman, Mary J.
Filed:	January 16, 2004	§	Group/Art Unit:	2191
Inventor(s):		§	Atty. Dkt. No:	5150-95401
Bendrix L. Bailey		§		
Title: PROGRAM-		§		
DEVELOPMENT		§		
ENVIRONMENT FOR		§		
USE IN GENERATING		§		
APPLICATION		§		
PROGRAMS		§		
		§		

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER  
A PRIOR PATENT**

Dear Sir or Madam:

1. National Instruments Corporation is the owner of all rights in the captioned application.
  
2. As sole owner in the captioned application, National Instruments Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,701,513.
  
3. National Instruments Corporation hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

4. In making the above disclaimer, National Instruments Corporation does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 6,701,513, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant. Furthermore, National Instruments Corporation does not disclaim any extension or restoration of term to the patent granted on the captioned patent application, which extension or restoration is effected under any applicable statute.

5. The undersigned is an attorney of record.

The Commissioner is authorized to charge any fees which may be required to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505\5150-95401\JCH.

Date: June 27, 2007

By: /Jeffrey C. Hood/

Jeffrey C. Hood, Reg. #35198  
Attorney of Record